**THE HON'BLE SRI JUSTICE P.S.NARAYANA**

Writ Petition No.1271 of 2005

29.09.2006

Between
M.Krishan Reddy and others.

…Petitioners

And
District Panchayat officer, Rangareddy District and others.

…Respondents

**THE HON'BLE SRI JUSTICE P.S.NARAYANA**

Writ Petition No.1271 of 2005

**ORDER:**

Heard the learned counsel.

The writ petition is filed for a writ of Mandamus declaring the order made in ROC.No.A4/1733/2004, dated 01.12.2004, passed by the District Panchayat Officer, Ranga Reddy District, the first respondent herein, as illegal, arbitrary and oppose to the principles of natural justice and violative of Article 14 of the Constitution of India, and pass such other suitable orders.

In the affidavit filed in support of the writ petition, it is stated that the writ petitioners are the absolute owners and possessors of house bearing No.4-64, Medipally village and Gram Panchayat, Ghatkesar Mandal, Ranga Reddy District and that they made an application to the Gram Panchayat for mutation of their names in the records. Pursuant to the orders, dated 21.06.2003,

mutation was effected and the writ petitioners have been regularly paying the tax. It is also stated that they are shocked when they were informed by the Gram Panchyat that the first respondent had cancelled the said mutation. It is further stated that no notice had been given and no enquiry had been conducted before passing the impugned order.

The impugned order, dated 01.12.2004, is as hereunder:

> "Taking into consideration of report of Extension Officer (PR&RD) Ghatkesar and connected records, the action taken by the Gram Panchayat Medipally has issued change of property of H.No.4-64 vide Roc.No.Nil dated 21.06.2003 is hereby cancelled until final orders. The Panchayat Secretary Gram Panchayat Medipally is instructed to take action accordingly."

In the counter affidavit, the respondents 3 and 4 denied the allegations made in the affidavit filed in support of the writ petition and sought dismissal of the writ petition.

A specific stand is taken by the writ petitioners that the Gram Panchayat is not the competent authority to effect mutation and that it is only the Panchayat Secretary who is the person competent to effect mutation. It is also stated that the impugned order is contrary to the orders made by this Court in W.A.M.P.No.3732 of 2002 in W.A.No.1980 of 2002 on 09.04.2003. Several other factual details also had been narrated.

However, inasmuch as the main grievance of the petitioners is that without affording any opportunity, the first respondent had passed the impugned order, the impugned order is hereby set aside and the matter is remitted to the first respondent to give an opportunity to the parties concerned to advance their contentions and make appropriate order in accordance with law, as expeditiously as possible.

With the above observations, the writ petition is disposed of. No order as to costs.

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29.09.2006

VGB